

**REMARKS**

Claims 1-11 were pending in this application. By this Amendment, applicant has amended claim 1 and canceled claim 11 without disclaimer or prejudice. Amended claim 1 incorporates the language of canceled claim 11. Accordingly, no issue of new matter is raised by this amendment. Applicant respectfully requests that the Examiner enter this Amendment. Upon entry of this Amendment, claim 1 as amended herein and claims 1-10 dependent therefrom will be pending and under examination.

**Rejection Under 35 U.S.C. §102**

The Examiner rejected claims 1-10 under 35 U.S.C. §102(b) as anticipated by Ohsawa et al., U.S. Patent No. 4,341,958 ("Ohsawa"). The Examiner maintained that each and every element of claim 1 and claims 2-10 are disclosed in Ohsawa.

In response, but without conceding the correctness of the Examiner's ground of rejection, applicant notes that claim 1 has been amended to include the language of claim 11 which is not rejected as anticipated by Ohsawa under 35 U.S.C. §102(b). Accordingly, applicant maintains that claim 1 as now amended and claims 2-10 dependent therefrom are not anticipated by Ohsawa and respectfully request that the Examiner reconsider and withdraw this ground of rejection.

**Rejection Under 35 U.S.C. §103**

The Examiner rejected claim 11 under 35 U.S.C. §103(a) as obvious over Ohsawa. The Examiner maintained that it would have been obvious to one skilled in the art to combine Ohsawa with the multiple light emitter known in the art.

In response, applicant notes that claim 11 has been canceled, thereby rendering moot the Examiner's rejection of this claim. However, since applicant has amended claim 1 to include the language of claim 11, applicant address this ground of rejection and respectfully traverses the Examiner's rejection.

Ohsawa discloses a yarn-break detecting device having *only one* light emitter element which works with a photo-electric transducer element. A dust-proof plug member operates as a yarn guide which isolates the single light beam from the light emitter element and prevents the settling of dust onto the light emitter element or the photo-electric transducer element.

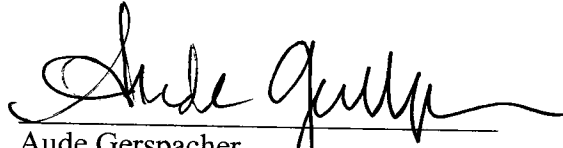
In contrast, applicant's invention as now recited in amended claim 1, provides for *at least two* light emitter elements which are oriented such that the thread is always struck by the light emitted by at least one of them. Applicant maintains that the claimed device not only allows for a more reliable monitoring of the thread or yarn, but it allows the receiver to obtain well-defined information regarding the yarn's features. This technique provides a bi-dimensional image. Because the light emitter elements are positioned at an angle to each other and the receiver element is only one element, the yarn feature and possible defects can be sensed. Accordingly, applicant maintains that the claimed device not only detects yarn breaks but also defects in the yarn which would later lead to breakage.

Applicant maintains that Ohsawa does not disclose the use of more than one emitter and that one skilled in the art would not have known how to position the multiple light emitters to provide this advantage and function of generating a bi-dimensional image of the yarn. Ohsawa's device does not obtain an analysis of the feature of the yarn because of the positions of the light emitter element and photo-electric transducer element, and can only be used to detect breakage, not defects of the yarn. Applicant maintains that one skilled in the art would not have readily understood how to position the multiple light emitter elements to produce the desired results. Accordingly, applicant maintains that the invention as now claimed is not obvious over Ohsawa.

For the reasons discussed above, applicants respectfully request that the Examiner reconsider and withdrawn this ground of rejection.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,

  
Aude Gerspacher  
Registration No. 57,919

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WolfBlock, LLP  
250 Park Avenue  
New York, New York 10177-0030  
Telephone: 212.986.1116;  
Facsimile: 212.986.0604  
e-mail: [agerspacher@wolfblock.com](mailto:agerspacher@wolfblock.com)